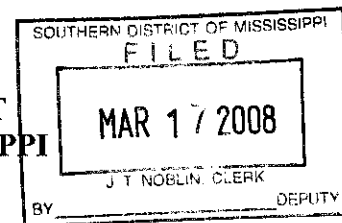


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**



**JON P. FUSCO, JO ANNE FUSCO,  
and KEN CARTER**

**PLAINTIFFS**

**vs.**

**CIVIL ACTION NO. 3:08cv112-HTW-LRA**

**JENNY CRAIG, INC., and  
JENNY CRAIG INTERNATIONAL, INC.**

**DEFENDANTS**

**CONSENT ORDER TRANSFERRING CIVIL ACTION**

THIS MATTER is before the Court on the request of Defendants Jenny Craig, Inc., and Jenny Craig International, Inc., to transfer this action to the United States District Court for the Southern District of California, see Docket No. 3, and the consent of Plaintiffs to the requested transfer. In support of its request, Defendants rely on the venue selection clause contained in the Franchise Agreement by and between Jenny Craig International, Inc., and DMJ, Inc., which provides, in relevant part, as follows: "Any arbitration or litigation relating in any way to this Agreement shall be conducted in San Diego, California." Moreover, Defendants have advised the Court that in accordance with this venue selection clause, Jenny Craig Franchising, LLC, has commenced an action in the United State District Court for the Southern District of California, Civil Action No. 08cv0354-JM-BLM, arising out of and relating to the Franchise Agreement. Finally, Plaintiffs' have advised the Court that they have no objection to Defendants' request to transfer the instant action to the United States District Court for the Southern District of California for consolidation with Civil Action No. 08cv0354-JM-BLM.

The Court, having considered Defendants' instant request for transfer, being advised that Plaintiffs have consented to the requested transfer, and being otherwise fully advised in the premises, is of the opinion that Defendants' instant request is well-founded and should be granted.

ACCORDINGLY, it is hereby ORDERED that this action shall be TRANSFERRED to the United States District Court for the Southern District of California. Further, the Court hereby advises the Clerk of the United States District Court for the Southern District of California that the parties to this action have consented to the consolidation of this action with Civil Action No. 08cv0354-JM-BLM, presently pending in the Southern District of California.

SO ORDERED, this the 17<sup>th</sup> day of March, 2008.

  
UNITED STATES DISTRICT COURT JUDGE

**AGREED AS TO SUBSTANCE AND FORM:**

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